IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

Bail Appl..No. 3668 of 2007()

CR.NO.186/2007 of CHERPULASSERY POLICE STATION

.....

: PETITIONER/ACCUSED

KUMARAN, S/O. KUNJAN EZHUTHASSAN,
AGED 59 YEARS, THOTTINGAL HOUSE,
CHERPULASSERY, PALAKKAD.

BY ADV. SRI.K.ANAND

RESPONDENTS: STATE & COMPLAINANT

---

1. STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. SUB INSPECTOR OF POLICE,
CHERPULASSERY POLICE STATION.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.3668 of 2007

Dated this the 19th day of June 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations inter alia under Section 452 I.P.C. That is the only non-bailable offence. The dispute is between two neighbours. There was some dispute regarding trespass that led to the incident in question. No serious injury has been suffered by any of the parties.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not seriously oppose the said prayer and I am satisfied that this is a fit case where directions under Section 438 Cr.P.C can be issued in favour of the petitioner. In coming to this conclusion, I take note of the admitted stand that the parties are neighbours and no grievous injury or serious overt act is alleged against the accused.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C.

(i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 26/6/2007. He shall

be released on regular bail on his executing a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 1 p.m on 27/6/2007 and 28/6/2007. Thereafter he shall appear before the investigating officer on all Mondays between 10 a.m and 12 noon for a period of two months.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(iv) If he were arrested prior to 25/6/2007, he shall be released on bail on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 25/6/2007.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007